IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.MC.No. 4085 of 2006()

CC.882/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA

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PETITIONER/ACCUSED:

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1. HARRIS, AGED 32 YEARS,
S/O.C.H.HAMSA,
HARRIS MANZIL,
VATTAYAL WARD, ALAPPUZHA.

2. AYSHA BEEVI, AGED 50 YEARS,
W/O.C.H.HAMSA,
-- DO --

3. RAMLA ANSARI, AGED 48 YEARS,
W/O.ANSARI, LOOSIA MANZIL (CYBER VILLA)
VADAKKEVILA, KOLLOOR VILA.P.O.
PALLIMUKKU, KOLLAM.

4. SHAREEFA, AGED 70 YEARS,
-- DO --

BY ADV. SMT.HUMERA MOHAMED ALI

RESPONDENTS:

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1. MANJU HARRIS, AGED 26 YEARS,
D/O.BEEVI, HARRIS MANZIL,
VATTAYAL WARD, ALAPPUZHA.
NOW RESIDING AT SHABA MANZIL,
KUTHIRAPPANTHI WARD, ALAPPUZHA.

2. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV.SRI.E.RAFEEQUE FOR R1
SRI.K.A.AKBAR, FOR R2.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4085 of 2006

Dated this the 20th day of December 2006

O R D E R

The petitioners are accused 1 to 4 in a prosecution interalia under Section 498(A) I.P.C. The first petitioner is the husband of the first respondent/defacto complainant. Accused 2 to 4 are relatives of the first accused. The prosecution under Section 498(A) I.P.C has been initiated at the instance of the first respondent.

2. The parties have now settled their disputes. Harmony has been restored in the matrimony. The petitioners as well as the second accused in unison pray that the powers under Section 482 Cr.P.C may be invoked and the prosecution initiated against accused 1 to 4 may be quashed.

3. The first respondent has entered appearance through counsel. The learned counsel on behalf of the first respondent asserts that the matter has been settled and the first respondent has compounded the offence allegedly committed by the petitioners/accused. An affidavit duly attested by his counsel has been filed by the first respondent to confirm the settlement. The

learned Public Prosecutor raises no objections against the proposed quashing of proceedings.

4. I am satisfied from the submissions made at the bar, from the averments made in the petition and from the affidavit sworn to by the first respondent that the parties have settled their disputes amicably and that the first respondent has compounded the alleged offence committed by the petitioners/accused. I am, in these circumstances, satisfied that the powers under Section 482 Cr.P.C can be invoked in favour of the petitioners notwithstanding the fact that the offence under Section 498(A) I.P.C is not compoundable. The decision in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] clearly lays down that the powers under Section 482 Cr.P.C can at times be invoked in the interests of justice. It is clearly held that the interests of justice transcend the interests of mere law and to cater the interests of justice, notwithstanding the fact that the offence is not compoundable in terms of the provisions of Section 320 Cr.P.C, the powers under Section 482 Cr.P.C can be invoked. Harmony having been restored in the matrimony. I am satisfied that this prosecution has lost its meaning, significance

and relevance. It would harm the interests of harmony if the prosecution were permitted to continue notwithstanding the joint request made by the rival contestants.

5. In the result, this Criminal Miscellaneous Case is allowed. C.C.No.882/05 against the petitioners pending before the J.F.C.M-I, Alappuzha shall stand quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006